



## 2016 State of Utah Legislative General Session Senate Bill 0057 Feasibility Study Report

### Purpose for Report

During the 2016 General Session of the Utah State Legislature, Senator Karen Mayne opened and subsequently was able to pass Senate Bill 0057 Public Safety Emergency Management Amendments, which can be summarized as follows:

### Senate Bill 0057 – Public Safety

#### General Description:

This bill modifies the Public Safety Code regarding emergency assistance during a declared disaster.

#### Highlighted Provisions:

This bill:

- ▶ authorizes the Division of Emergency Management to conduct a feasibility study regarding establishing a contract with the United States Postal Service to help with emergency response services during a declared disaster; and
- ▶ requires the Division of Emergency Management to report to the Business and Labor Interim Committee and the Law Enforcement and Criminal Justice Interim Committee by November 30, 2016, regarding the feasibility study.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

#### Utah Code Sections Affected:

AMENDS:

**53-2a-204**, as last amended by Laws of Utah 2015, Chapter 258

## **New Language**

- (3) The division shall conduct a feasibility study regarding the establishment of an agreement with the United States Postal Service regarding the use of employees, resources, and assets within the Postal Service Network to provide the following services:
- (a) identify residential or commercial structures that have been damaged;
  - (b) identify persons who reside in a damaged area and the emergent medical or physical needs of those persons;
  - (c) help assess the damage to neighborhoods or communities; and
  - (d) any other activity that the division determines to be necessary to assist in responding to a declared disaster.
- (4) The division shall provide a report to the Business and Labor Interim Committee and the Law Enforcement and Criminal Justice Interim Committee regarding the feasibility study conducted under Subsection (3) no later than November 30, 2016.

## **Role of the United States Postal Service in the Federal Response System**

In an attempt to better understand the current status of the United States Postal Service's (USPS) involvement in emergency and disaster response, the Utah Division of Emergency Management reached out to the Federal Emergency Management Agency (FEMA) to see how they were currently utilizing the agency as part of the Federal Response System. The following summarizes the findings:

The USPS serves as a support agency for the following Federal Emergency Support Functions (ESF's)

### **ESF 1 (Transportation)**

USPS collects and reports on transportation infrastructure disruption and damages as information becomes available

### **ESF 6 (Mass Care, Emergency Assistance, Housing, and Human Services)**

USPS provides extended mail services to relocated persons. Provides change-of-address cards for survivors to notify the USPS of relocation addresses for mail forwarding; assists in the distribution, collection, and mailing of those cards; and provides an electronic file of address-change information furnished by survivors

### **ESF 8 (Public Health and Medical Services)**

USPS to assist in distribution and transportation of medicine, pharmaceuticals, and medical info to those affected by a major disaster or emergency – see E.O. 13527 for information on USPS role in distribution of medical countermeasures: <https://www.whitehouse.gov/the-press-office/executive-order-medical-countermeasures-following-a-biological-attack>

#### ESF 11 (Agriculture and Natural Resources)

USPS will have control over movement of people, conveyances, and/or things. In the event of a plant or animal disease, these entities can help enforce a quarantine zone through inspections and movement controls

#### ESF 13 (Public Safety and Security)

USPS provides support to worker protection, public health, medical prophylaxis, disease surveillance, criminal investigation, emergency response, waste disposal, mail security, sampling methods, and bioterrorism response operations

*During Hurricane Katrina, and somewhat during Superstorm Sandy, USPS performed the following additional functions:*

USPS created a new change-of-address form specific to the situation during Hurricane Katrina, where individuals on the move could be sure address changes would be traced to their original addresses. Local postal officials made sure the forms were part of the in-processing at emergency shelters.

When radio and television stations went down, USPS coordinated with FEMA to deliver flyers to homes to explain how to take advantage of FEMA's recovery programs.

The Postal Service -- with its continually updated change-of-address database -- also helped FEMA update its own database, and worked with the Justice Department's National Center for Missing and Exploited Children to help families reunite with children.

During Hurricane Katrina, existing partnerships with freight carriers enabled the Postal Service to deliver emergency meals, water, and ice to affected facilities.

USPS deployed the Postal Inspection Service to knock on doors and talk to neighbors to track down USPS employees, and eventually every worker was accounted for.

#### **Feasibility**

After several discussions with FEMA and the USPS legal counsel, the following facts were established:

Each federal agency has their own legal authorities governing their ability to enter into agreements. According to legal counsel for the USPS, the Postal Service currently does not have the statutory authority to enter into agreement directly with the State of Utah.

The Postal Service can, however, enter agreements with other federal agencies, such as FEMA. That may change with pending federal legislation, but for now the process for emergency response is coordinated through FEMA.

There is no knowledge by either agency of an existing contract between a State and Federal agency for any similar services at this time.

Using the USPS as a Direct Federal Assistance asset is only available if the State receives a Stafford Act declaration. After receiving the declaration, the State could submit a Resource Request Form specifying the type of assistance it is seeking. FEMA would determine the best method to satisfy the request. Since the USPS is included in the definition of a federal agency in Stafford Act Section 102(8), they could receive a Mission Assignment to fill a resource need, but there is no guarantee that USPS would be the entity chosen to fulfill that need.

FEMA and the USPS were asked to describe the pros and cons of establishing a direct agreement between a State and a Federal Agency, such as the Postal Service; there answers were as follows:

Pro: If the State of Utah identifies the need for USPS assistance outside of a Stafford Act declaration, they would be able to coordinate directly with the USPS to receive that assistance.

Con: If the State of Utah receives a Stafford Act declaration, other sources beyond USPS may be able to provide the requested services more expeditiously. It may be more efficient to work with FEMA to identify the need and let FEMA determine the best method to quickly and effectively source that need. In sourcing that need, FEMA can look to various sources, including the interagency. There is also the possibility of confusion regarding the lines of authority and appropriate procedures in a given situation, e.g. a situation that at first is not under the Stafford Act, but later comes within that purview. The Postal Service's work under the established procedures through FEMA has proven successful in past, large scale disasters.

## **Conclusion**

In conclusion, after researching the feasibility of utilizing the United States Postal Service to support the State of Utah in disaster and emergency response and recovery, it became very apparent that there is a lot that can be offered by the agency. There is currently not, however, a legal mechanism in place to allow for such an agreement for services to be established directly between the Federal agency and State level government. Currently, legislation is being considered at the national level, which would help to provide such a mechanism that would allow for a direct agreement and subsequent partnership to be established.